

**HOLDEN BOARD OF SELECTMEN
MEETING MINUTES
March 20, 2023**

6:30PM

Memorial Hall

Present: Anthony Renzoni, Stephanie Mulroy, Geri Herlihy, Richard Bates
(participating remotely), Thomas Curran

Others Present: Peter Lukes, Town Manager
Steven Madaus, Town Counsel
Ms. King, Assistant Town Manager
Liz Fotos, Town Recorder (Participating remotely)

Chairman Renzoni called the Board of Selectmen meeting to order. The Board stood to recite the Pledge of Allegiance. Chairman Renzoni stated that Sel. Bates was participating remotely this evening and all votes would be taken by a roll call vote.

1. Appointments, Licenses, Permits

Motion by Sel. Mulroy, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED BY A ROLL CALL VOTE TO REAPPOINT JANE ARNTZ TO THE BOARD OF REGISTRARS FOR A TERM TO EXPIRE 3/31/26.** (Bates: yes; Curran: yes; Herlihy: yes; Mulroy: yes; Renzoni: yes).

2. Citizens Address

Joe Sabato was present at the meeting. He stated that he was an ER Physician for 45 years and 911 Medical Director at UMASS and he wanted to share with leadership that Holden had the opportunity to save 500 lives a year. He stated that when he came here back from Florida he looked at our cardiac survival rate. He stated our survival rate is 3% versus the national average of 12% and this is because of bureaucracy and lack of training opportunities, and not teaching enough CPR in communities. He stated that if we worked together they could make it better. He stated there were a number of bills that were posted and he wanted to given Holden the opportunity to work together on this to show other communities how they could work to save the lives of other citizens.

Jacob Love lives in Worcester.

Chairman Renzoni let Mr. Love know that you needed to be a citizen of the Town of Holden to speak at the meeting. He stated that if Mr. Love wanted to discuss business with the Board of Selectmen he could reach out to the Board to set up a meeting.

Valerie Taylor, 7 Tisbury Lane, was present at the meeting. She stated that she was there about the multifamily zoning and housing and she wanted a better understating of where Holden really does stand. She stated that the article didn't tell the whole story and she was disheartened by the comments about what was said. She stated that she didn't know

about what it was talking about but that she was worried about the school budget along with the information the article gave about potentially being sued. She stated she came to gather more information about it because she knows that there are a lot of people that are looking for housing in Holden but she didn't feel that the article did them a service.

3. Police Promotion

Chief Sherblom was present at the meeting and wanted to introduce the Board to the two newest promotions; Sergeant Chris Meservey was hired in '07 and graduated the academy in 2016. He is currently in his 25th year with Air National Guard and he is an E7 rank. Chief Sherblom stated that as part of his military career he is the Cable and Antenna Superintendent and provides training and morale along with providing infrastructure and emergency repair to the community. He stated that the Town is very lucky to have him in Holden.

The Board congratulated Sergeant Chris Meservey.

Chief Sherblom introduced Sergeant Sean McKiernan, he has been in the department for 10 years, graduated in 2017 and served as an officer, resource officer, detective and field training officer. He is currently assigned to the Court Officer Position in the Detective Bureau.

The Board congratulated Sergeant Sean McKiernan.

Chairman Renzoni thanked the officers.

Chairman Renzoni called a one minute recess.

Chairman Renzoni called the meeting back to order.

Citizens Address reopened.

Chairman Renzoni stated that they were going to allow the citizen from Worcester to speak at the meeting.

Jacob Love, 86 Elm Street, Worcester, MA. He stated that he is a staff attorney at Lawyers for Civil Rights and his practice focuses on housing and housing issues across MA and he wants to encourage the board to comply with the MBTA Law as the Attorney General has recently advised that all covered municipalities must adhere. He stated that the state wide housing demand has sky rocketed prices and it adversely effects low income families at a higher rate. He stated that it is caused by zoning issues across the municipalities and that is where the MBTA law comes in. He stated that the law requires 175 towns near the service to do their part to facilitate more housing. It states that each community shall create at least one multifamily zoning district of reasonable size where developers can build multiple family housings without going through the special permitting process. The vast majority of communities are working to comply with the

law and the AG stated that compliance is mandatory. It warned that non compliant could face law suits.

Chairman Renzoni gaveled to let Mr. Love know that he had reached his two minute mark.

Chairman Renzoni stated that he was not prepared to discuss this matter right now but that for clarification this was not an Affordable Housing Law, this was a Multi-family Housing Law. He stated that there has been a lot of confusion surrounding this matter.

**4. Vote intention to layout ways as public ways and for the Town Manager to send notice to the owners of the ways of the date of the hearing at which the Board of Selectmen will vote to layout the ways.
Damon Street Extension**

Mr. Madaus stated this was a little different then we see every year. He stated that this is the end of an existing way. He stated that there is a portion in the middle, Parcel D and what was proposed was to alter the layout to extend it over the portions that were not included in the original layout. He stated this is to remedy this and we would lay it out for the distance to capture this as the public street layout and file it in the Town Clerk's office. Then Town Meeting would vote to accept it and then we would need to take that middle portion. He stated this process first have to vote their intention to alter the way as shown and we will send notice to abutters.

Chairman Renzoni stated that all we are doing is announcing our intention tonight.

Motion by Sel. Mulroy, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED BY A ROLL CALL VOTE THAT THE BOS OF THE TOWN OF HOLDEN INTEND ON APRIL 24, 2023 TO LAYOUT THE FOLLOWING DAMON STREET AN EXTENSION OF THE EXISTING ROADWAY, DAMON STREET LOCATED OFF OF HIGHLAND STREET AS SHOWN AS PARCEL D THE UNACCEPTED PORTION OF DAMON STREET RIGHT OF WAY ON A PLAN ENTITLED PLAN OF LAND OF HENRY ZOTOLLI PREPARED BY GRAVES ENGINEERING INC. ON A PLAN DATED JANUARY 27, 1999 AND AVAILABLE IN THE TOWN CLERKS OFFICE. THE NEW ROADWAY BEING ABOUT 245 FEET LONG AND 25 FEET WIDE AS SHOWN ON SAID PLAN.** (Bates: yes; Curran: yes; Herlihy: yes; Mulroy: yes; Renzoni: yes).

**5. Vote to send notice of the proposed laying out of the ways to the Planning Board, for a report in accordance with MGL. c. 41, section 81I
Damon Street Extension**

Mr. Madaus stated in addition to the layout process you have to refer streets to be accepted to the Planning Board.

Motion by Sel. Mulroy, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED BY A ROLL CALL VOTE TO SEND NOTICE OF THE PROPOSED LAYING OUT OF DAMON STREET EXTENSION TO THE PLANNING BOARD FOR A REPORT IN ACCORDANCE WITH MGL. C. 41 SECTION 81i.** (Bates: yes; Curran: yes; Herlihy: yes; Mulroy: yes; Renzoni: yes).

6. Town Manager Update

None

7. Selectmen Minutes

None

8. Water Sewer Appeals Process

Chairman Renzoni stated that he will have this sent with the updated language for the next meeting. He stated that they intend to discuss the process and if it is the will of the Board to adopt the plan. He asked the Town Manager to prepare for Town Meeting the vote to name the Board of Selectmen as Water Sewer Commissioners. He stated he would work with the manager on the warrant surrounding this.

9. Town Manager Evaluation

Chairman Renzoni stated that he was waiting on the last set of notes and then he would put the draft together.

10. Selectmen Miscellaneous

None

11. Selectmen Subcommittee

None

12. Follow up Citizens Address

Sel. Mulroy stated that it was excellent to come out today to Valerie and that she was engaged and as the conversation moves forward even with differing opinions it is important to remember we are neighbors and it was great that she came out today.

13. Selectmen Subcommittee

Chairman Renzoni stated that he met with the Inclusive Playground Committee and they met with the Town Manager and they were going to stay focused on doing this right the first time. He stated they were doing great things and were a great group to work with.

14. MBTA Communities

Mr. Lukes stated that this was MGL section 40a section 3a, it is called the MBTA Community Zoning law. What is important to remember is that this is not affordable housing. It does not force the town or anyone to develop more affordable housing in Holden or anywhere else. Holden has not gone along with this so far but in reality we have affordable housing now and have more room for more affordable housing. The law in front of you does not change that. What dissuades Holden from having a lot of Affordable Housing both now and in the future is the formula that is used. The prices that are used are based on Holden's median income which is high; therefore the levels are set high. We have had this issue before in Holden and homes become affordable in name only. Our noncompliance on this has nothing to do with Affordable Housing.

Mr. Lukes stated what this law requires is zoning for multi unit multi family development. It does not require that housing is built. It requires the town sets up a zone and then have a developer come in and create multi-unit housing as of right. He stated that Holden currently does have multi unit housing. He stated the Town has supported that before and still does in places like the Mill. The difference is that we have the ability to plan for this. The problem that we have had to begin with regarding this statute is that over the years Holden has had success because we can plan out what is coming for development, which allows us to provide more police, more ambulances, different school needs, different infrastructure. He stated this is how communities survive and prosper.

Mr. Lukes stated that the MBTA Law requires the zoning by right for multi unit housing and that zones needs to have a 15 unit / acre requirement. He stated for Holden that would mean 750 units that could be built in those zones for 50 acres. Existing units count to the 750 unit measurement. He stated that what people should know after meeting with CMRPC is that he feels as though he could create zones or multiple zones that comply with what the state is looking for with minimal to no negative impact to the Town of Holden over time.

Mr. Lukes stated that with that being said; the reason Holden has not submitted its plan is that initially we relied on the draft of the compliance guidelines sent out by Dept. of Housing and Community Development at the end of 2021. He stated that in the guidelines the first paragraph stated that purpose of this law was to "encourage MBTA Communities to adopt zoning districts where multi family zoning was permitted as of right". He stated the purpose was to encourage not require. Mr. Lukes pointed out various points in the guidelines where it was noted that this was a choice not a requirement.

Mr. Lukes stated that we have not requested a determination of compliance at this point because we believed the program was voluntary. That has apparently changed which we also are concerned about with changing. We did not feel as though the Town fit with the spirit of the law as an MBTA community.

Mr. Lukes stated that he would like to consider allowing the Town Manager's Office to continue to work with CMRPC to figure out overlays and to figure out the path to bring the Town into compliance. He stated that from a cursory inspection he thinks that this can be completed without a negative impact on the Town.

Chairman Renzoni opened the microphone to the public.

Chairman Renzoni announced for the record that Sel. Bates had dropped off the call.

Sel. Herlihy stated that it was originally presented as an option from CMRPC. She stated that to think about 750 units of housing, loss of zoning control, she stated that each year we wrestle with schools and infrastructure and she wonders where we would carve out 50 acres of land.

Mr. Lukes replied that it had to be 50 acres that can be developed with 750 multi units. He stated that there has to be a 25 acre in one spot and 5 acre; its 50 acres collectively and existing multi unit housing did count. He stated that he would like to look further into the height restrictions as well. He stated that it is potentially possible to bring this without having a terrible impact on the town.

Sel. Mulroy stated that she wanted to reference something that Mr. Love stated. She stated that he said that that this law would allow developers to construct multi unit property without special permitting which would allow construction to go faster and more cheaply. She stated that seemed alarming to her because she thinks that there is a process that is used successfully in our community. She stated to lose our sovereignty and ability to control that seems ludicrous to her. She stated that she appreciates that they are trying to comply with the law but she wants to make sure that it is done in away to not hurt our already overburdened systems that are in place.

Sel. Curran stated that the minimum is 15 acres he asked where the 50 acres would come from.

Mr. Lukes stated that the minimum is 15 units/ acre. He stated that all the criteria needed to met.

Mr. Madaus stated that in the guidelines for adjacent community. The minimum area is 50 acres or 1.5% developable land; whichever is less. The guidelines are what sets it.

Chairman Renzoni stated that we do not need to take a vote today. He stated that he appreciates that the Town Manager is exploring every option. He stated that we have been in relationships in the past with the state and they never work. He stated that the state is a terrible partner for municipalities and cited Regional Transportation as an example. He stated his concern is that if we comply further than accepting part b (the penalty of not being eligible for grants) where does the next Attorney General move the goal post to. He stated that the law did not change the interpretation of the law changed.

Chairman Renzoni stated he also wanted to reiterate that this is not Affordable Housing. He stated that relinquishing this power to the state is a bad idea. He stated that he does not think we are in a position to take a vote right now and that it is the plan of the Board right now to have the understanding that we are in the position to lose the opportunity to apply for those three grant programs. He stated that he will put this back on the agenda for the next meeting and if it's the will of the Board they can vote next meeting. He stated that the Town Manager can of course continue to work with CMRPC and should do so. He stated that he does not see anywhere that the Town is not complying with the written guidelines how the law is written.

Sel. Curran asked if there were any other CMRPC communities that may be interested in banning with Holden in this situation. He stated if we want to contest the ruling there may be strength in numbers.

Mr. Lukes replied that he did not know how far CMRPC stretched but he did not think so. He stated that there were three other communities' state wide that had not complied but he had not been in communication with any of them. He stated that he explained why Holden had done what it did because the law did not feel applicable to us.

Sel. Curran stated that there were 3 other communities that did not comply and he wondered how they were going to answer to their advisory.

Mr. Lukes replied that he could not speak to what they were doing or where they were on the process.

Chairman Renzoni stated that if we do this we will not be prepared as a town for the growth that comes in. He stated we plan for growth in town, we forecast police, fire, DPW, and more.

Sel. Herlihy stated that she was at the original CMRPC meeting about five years ago and they wanted to add something like 25000 units in housing but the goal was to move prices down.

Chairman Renzoni stated that in Holden, based on what he sees he does not think that prices will be driven down because it is that competitive.

Mr. Madaus stated that the Attorney Generals office did reach out to him within the last ten days in a cooperative so there is some discussion there.

Sel. Mulroy stated that no one is saying we don't want more housing or multi unit housing. She stated that we will continue to grow we just don't want to be strong armed by the state. We want our sovereignty and we want to move forward as we know best.

Motion by Sel. Herlihy, seconded by Sel. Mulroy, it was **UNANIMOUSLY VOTED TO ADJOURN THE MARCH 20, 2023 BOARD OF SELECTMEN MEETING AT 7:30PM.**

APPROVED: 6/5/23 AS CORRECTED